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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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P.O. Box 10395
Chicago, Illinois 60610

In re Application of
PRIMDAHL, Soren *et al*
Application No.: 09/831,931
PCT No.: PCT/DK99/00631
Int. Filing Date: 17 November 1999
Priority Date: 17 November 1998
Attorney Docket No.: 11038/3
For: ELECTROCHEMICAL CELL

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DECISION

This is a decision on the papers filed 15 May 2001 requesting the United States Patent and Trademark Office accept the declaration signed by the legal representative of a deceased co-inventor.

BACKGROUND

On 15 May 2001, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a declaration signed by four of the five named co-inventors and Jorgen Siiger as legal representative of co-inventor, Carsten Bagger.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants have furnished a declaration signed by Jorgen Siiger as legal representative of co-inventor, Carsten Bagger. The citizenship, residence and post office address of the deceased co-inventor are listed on the declaration. However, the citizenship, residence and post office address of the legal representative are not listed as required by 37 CFR 1.497(b)(2).

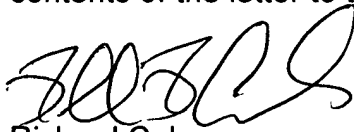
Therefore, the declaration does not comply with 37 CFR 1.497.

CONCLUSION

The papers under 37 CFR 1.42 are **DISMISSED** without prejudice.

If reconsideration of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42". Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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